

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

AS No.2390 of 1998

JUDGMENT:

This appeal is filed against the judgment, dated 20.11.1998, passed by the learned II Additional Senior Civil Judge, Ranga Reddy District at Saroornagar in O.S.No.74 of 1993.

The brief case of the appellants-defendants is that they were not given adequate opportunity to represent the case and that the Court below had prejudged the entire issue and granted a decree without appreciating the entire evidence. Their grievance is that their defence was struck off and they have not given adequate opportunity to represent their case.

Heard the learned counsel for the appellants. None appears for the respondent.

A perusal of the record reveals that in I.A.No.661 of 1993 in O.S.No.74 of 1993, a direction was given to the appellants to deposit the rents, failing which, it was ordered that the defence of the appellants would be struck off. Later, in I.A.No.2167 of 1997 in O.S.No.74 of 1993, another order was passed on 18.12.1997 directing the appellants to deposit the arrears, failing which it was ordered that defence would be struck off. Thus, it is seen that two opportunities were given to the appellants to deposit the arrears of rent. Despite the same, the arrears were not deposited. These

two orders were passed before the amendment to the Code of Civil Procedure.

Adequate opportunity was given to the appellants to deposit the rents with a clear mandate that if the rent is not deposited, the defence would be struck off. Despite the two orders, the appellants did not deposit the rents. Hence, the Court below rightly proceeded with the case, considered the evidence and passed the decree, which is now impugned in the present appeal.

Having heard the learned counsel for the appellant, I am of the opinion that there are no valid grounds made out in the appeal.

The appeal is accordingly dismissed.

Miscellaneous petitions, if any, pending in this appeal shall stand dismissed. There shall be no order as to costs.

D.V.S.S.SOMAYAJULU,J

Dt:10.11.2017

kdl

